

REMARKS

The present invention relates to a reagent for assaying lipid comprising an esterase, a surfactant, and an antioxidant, as discussed further below.

In the Office Action of October 18, 2005, the Examiner indicated an impression that the point of novelty may reside in the lipid-determining reagent comprising surfactant that also includes an antioxidant for the function of preventing the surfactant from being oxidized. With respect to claim 20, the Examiner indicated that no weight was given with respect to the recitation of surfactant resisting oxidation because no degree of such resistance or conditions were set forth in the claims. With respect to claim 7, the Examiner raised a question regarding the listing, based on the Examiner's impression that some of the compounds may not be antioxidants. With respect to claim 11, the Examiner questioned the phrase "natural fat". The Examiner requested confirmation with respect to the foregoing points.

Also in the Office Action, claims 1 - 6, 14, 16, and 18 - 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Nakanishi reference (EP 1 046 716 A1). Claims 7 - 13 were also rejected based on Nakanishi, but under 35 U.S.C. § 103(a). Lastly, claims 15 and 17 were rejected under 35 U.S.C. § 103 (a) based on the combination of Nakanishi in view of Hotta.

Claim 17 was additionally rejected under 35 U.S.C. § 112, second paragraph, particularly with respect to the recitation "LDL reaction inhibitor".

Applicants have responsively amended the claims herein as discussed below, and respectfully submit that the remaining claims as amended herein are now in condition for allowance.

More specifically, independent claim 1 has been amended to explicitly require that the antioxidant is “selected from the group consisting of thiodiglycol and methionine”. Claim 7 has been canceled. Claim 11 has been amended to correct the spelling of the term -- neutral -- which modifies the term fat (i.e., “natural” was a mis-spelling). Claim 17 has been amended to delete the recitation “and LDL reaction inhibitor” and to include a clarifying recitation. Claims 18 - 20 has been canceled. Lastly, new claims 21 and 22 have been added.

Support for the amended recitation of claim 1 is provided in the specification, e.g., see page 23, lines 1 - 3 up, Table 4 (on page 24), etc. The correct spelling of the term -- neutral -- supporting the amendment of claim 17 may be seen in the specification, e.g., at page 2, line 3 up, page 13, line 16, etc. New claim 21 is supported by the disclosure in the specification, e.g., at page 14, lines 14 - 16, etc. New claim 22 is supported by the disclosure in the specification, e.g., paragraph bridging pages 8 - 9, the Examples, etc.

With respect to the rejection based on the Nakanishi reference, it is understood that Nakanishi is considered to teach the HDL cholesterol reagent comprising cholesterol esterase and surfactant.

In contrast to amended independent claim 1, it is clear that Nakanishi does not teach the required feature of an antioxidant “selected from the group consisting of thiodiglycol and methionine”. Therefore, it is respectfully submitted that independent claim 1 and the claims dependent thereon are not anticipated by Nakanishi, and furthermore and are not obvious in view thereof. This distinction applies to dependent claims 2 - 6, 14, 7 - 13, and 16, as well as independent claim 1. Similarly, with respect to new claim 22, Nakanishi does not teach an antioxidant.

With respect to the rejection under 35 U.S.C. § 103(a) based on the combination of Nakanishi in view of Hotta, again, a clear distinction exist *vis-a-vis* the teachings of the references because neither Nakanishi nor Hotta teach antioxidants selected from the group consisting of thiodiglycol and methionine, which are included in claims 15 and 17 based on their dependency on claim 1. Further regarding the patentability of the present invention *vis-a-vis* the cited art, the Examiner’s attention is directed to Table 4 at page 24 of the specification, wherein the stabilization and the maintenance of the activity are seen to be very high in the use of thiodiglycol and methionine as antioxidant compounds.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby earnestly solicited.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/633,518

Attorney Docket No.: Q76798

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

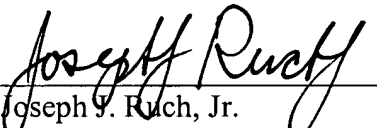
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